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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,016	11/16/2006	Pen Li	US03 0283 US2	1659
65913	7590	09/10/2010	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			ANWARI, MACEEH	
			ART UNIT	PAPER NUMBER
			2444	
			NOTIFICATION DATE	DELIVERY MODE
			09/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/569,016	Applicant(s) LI, PEN	
	Examiner MACEEH ANWARI	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/26/2010, 2/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications file on 2/22/2006. Accordingly, **claim(s) 1- 12** are pending.

Claim Objections

2. **Claims 5-6** are objected to because of the following informalities: the claims are depending upon themselves (i.e. claim 5 depends on claim 5 and 6 on 6 respectively). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-2, 4, 5-6 and 7-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant uses the terms "more important data, from less important data" without effectively stating what distinguishes important data from non- or less important data. The examiner will interpret both these forms of data as simply being any data.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. **Claims 1- 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Quigley et al. (hereinafter Quigley, U.S. Pub. No.: 2007/0086484 A1)** and further in view of **Hodge et al. (hereinafter Hodge, U.S. Pub. No.: 2002/0056125 A1)**.

7. **Regarding claim 1 Quigley** discloses: a wireless communication device comprising **(At least Fig. 78-79 and Abstract par. 3; wireless communication systems):**

an input terminal configured to communicate data with a processor **(At least Fig. 79 and par. 90; PC [1048] and Headend unit and master headend unit);**

a memory 112 configured to store at least one parameter relevant to the wireless communication protocol **(At least Fig. 5A-B, 79 and par. 90; CPU, RAM and ROM);**

and a modem 110 coupled to segregation circuit and the memory and configured to communicate using a wireless protocol over a wireless channel, including a framer 152 configured to fragment the segregated data based at least in part on the at least one parameter stored in the memory **(At least Fig. 73- 4 & 79 and Abstract and par. 81, 86- 87 and 537-538; RF modems and fragmentation of data packets).**

Quigley discloses the invention as discussed above however he does not appear to explicitly disclose a segregation circuit 150 coupled to the input terminal and configured to identify predetermined data and to separate more important data from less important data.

In the same field of invention **Hodge** discloses a segregation circuit 150 coupled to the input terminal and configured to identify predetermined data and to separate more important data from less important data **(Hodge: At least Fig. 7a-7b and par. 18-25;**

buffering module, re-packetization module and synchronizing module and the receiving of plurality of packets as video, data, voice and control packets).

One of ordinary skill in the art at the time of the given invention would have been motivated to modify and or combine the teachings of **Hodge's** buffering, re-packetization and synchronizing modules with those of **Quigley's** to form a more manageable and efficient communication system (i.e. by optimizing the use of system resources **par. 15**).

8. **As per claim 2 Quigley-Hodge** further discloses: wherein: the memory 112 is configured to store a fragmentation threshold parameter, which is set to be greater than the segregation circuit allocates for more important data; and the framer 152 is configured to fragment the segregated data based at least in part of the fragmentation threshold parameter (**Quigley: At least Fig. 6A-6C, 14- 17 par. 123; threshold register and slicer and offset generator**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley** and **Hodge**, in the instant claim, for the same reasons and rationale as in **claim 1**.

9. **As per claim 3 Quigley-Hodge** further discloses: wherein: the predetermined data is video data and the more important data is the video control data and the less important data is the video payload data (**Hodge: At least Fig. 7a-7b and par. 18-25; buffering module, re-packetization module and synchronizing module and the receiving of plurality of packets as video, data, voice and control packets**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley** and **Hodge**, in the instant claim, for the same reasons and rationale as in **claim 1**.

10. **As per claim 4 Quigley-Hodge** further discloses: wherein: the predetermined data is video data and the more important data is the video control data and the less important data is the video payload data (**Hodge: At least Fig. 7a-7b and par. 18-25; buffering module, re-packetization module and synchronizing module and the receiving of plurality of packets as video, data, voice and control packets**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley** and **Hodge**, in the instant claim, for the same reasons and rationale as in **claim 1**.

11. **As per claim 5 Quigley-Hodge** further discloses: wherein: the video data is MPEG-2 format video data (**Hodge: At least par. 11; MPEG-2 transport packets/stream**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley** and **Hodge**, in the instant claim, for the same reasons and rationale as in **claim 1**.

12. **As per claim 6 Quigley-Hodge** further discloses: wherein: the video data is MPEG-2 format video data (**Hodge: At least par. 11; MPEG-2 transport packets/stream**).

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One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley** and **Hodge**, in the instant claim, for the same reasons and rationale as in **claim 1**.

13. **As per claims 7- 12** they all list the same elements as those detailed in the claims above, but in method format rather than device format, and are therefore rejected using the same reasoning and rationale as applied to **claims 1-6**.

Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444